

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ERICK MANNERS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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Case No. 06-20465

Honorable Nancy G. Edmunds

**ORDER DENYING PETITIONER'S MOTION TO ALTER OR AMEND THE  
JUDGMENT [2809]**

Petitioner Erick Manners timely moves under Federal Rule of Civil Procedure 59(e) to alter or amend the Court's order denying his motion to vacate his judgment pursuant to 28 U.S.C. § 2255. Petitioner argues that he is entitled to relief because the Court "relied upon the wrong caselaw in making its judgment." (Dkt. 2809, at 1.) The Court disagrees and DENIES Petitioner's motion for the following reasons.

Petitioner challenges the Court's legal analysis, so the Court construes his motion as a motion for reconsideration pursuant to Local Rule 7.1. *See United States v. Savage*, 99 F. App'x. 583, 585 (6th Cir. 2004) ("A Rule 59(e) motion may be properly analyzed as a motion for reconsideration pursuant to Local Rule 7.1."). Under Rule 7.1(h) of the Local Rules for the Eastern District of Michigan, a party may move for reconsideration of a district court's order. For the motion to succeed, the movant "must not only demonstrate a palpable defect by which the court and the parties ... have been misled but also show that correcting the defect will result in a different disposition of the case." E.D. Mich. L. R. 7.1(h). A court generally will not grant a motion for reconsideration that "merely present[s]

the same issues ruled upon by the court, either expressly or by reasonable implication.”  
*Id.*

Petitioner has not demonstrated that he is entitled to relief under Local Rule 7.1. Petitioner does not (1) direct the Court's attention to any new facts or law; (2) point to a clear error committed by the Court; or (3) raise any issues that have not already been litigated. Furthermore, Plaintiff misapprehends the governing law. Petitioner argues that the Court erred in applying *United States v. Taylor*, 814 F.3d 340 (6th Cir. 2016) in light of the holding in *Shuti v. Lynch*, 828 F.3d 440 (6th Cir. 2016). However, the court in *Shuti* did not overrule *Taylor*. The court there stated: “[W]e find *Taylor* wholly consistent with our conclusion.” *Shuti*, 828 F.3d at 449. Accordingly, Petitioner has not demonstrated any outcome-determinative palpable defect, and Petitioner's motion for reconsideration must fail. See E.D. Mich. L. R. 7.1(h).

For the above-stated reasons, Petitioner's motion is DENIED.

SO ORDERED.

S/Nancy G. Edmunds  
Nancy G. Edmunds  
United States District Judge

Dated: October 27, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 27, 2016, by electronic and/or ordinary mail.

S/Carol J. Bethel  
Case Manager